

EXHIBIT 4

1 ANDRE BIROTTE JR.
United States Attorney
2 ROBERT E. DUGDALE
Assistant United States Attorney
3 Chief, Criminal Division
BAYRON T. GILCHRIST (Cal. State Bar # 212393)
4 Assistant United States Attorney
Environmental Crimes Section
5 1300 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-3152
7 Facsimile: (213) 894-0141
Email: Bayron.T.Gilchrist@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10
11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,)	CR No. 12-165-PSG
)	
15 Plaintiff,)	<u>GOVERNMENT'S MOTION TO QUASH</u>
)	<u>SUBPOENAS; EXHIBITS</u>
16 v.)	
)	
17 TIMOTHY ROACH, and)	Trial Date: February 12, 2013
18 ROBERT ROACH,)	Time: 8:30 a.m.
)	
19 Defendants.)	
)	
20)	
)	
21)	
)	
22)	

23 Plaintiff United States of America, by and through its
24 attorney of record, the United States Attorney for the Central
25 District of California, hereby files a motion to quash a
26 subpoena, or multiple subpoenas, issued by defendant Timothy
27 Roach, to the degree that defendant impermissibly seeks to use
28 subpoenas under Federal Rule of Criminal Procedure 17 as

1 discovery requests. This motion is based upon the attached
2 memorandum of points and authorities, the attached exhibits, the
3 files and records of this case, and any evidence or argument that
4 may be presented at any hearing on this matter.

5
6 Dated: November 7, 2012

Respectfully submitted,

7 ANDRÉ BIROTTE JR.
8 United States Attorney

9 ROBERT E. DUGDALE
Assistant United States Attorney
10 Chief, Criminal Division

11 /s/
BAYRON T. GILCHRIST
12 Assistant United States Attorney
Environmental Crimes Section

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Indictment in this case charges Timothy Roach and Robert Roach with storing, and causing the illegal storage of, hazardous waste without a permit, in violation of 42 U.S.C. § 6928(d)(2)(A) and 18 U.S.C. § 2(b). Trial is set for February 12, 2013. To date the government has produced extensive discovery to the defense, including five CDs containing approximately 16,935 bates-labeled documents, approximately 2222 pages of bates-labeled paper documents, and approximately eight additional CDs containing more discovery.¹

Despite the discovery already produced, on November 6, 2012, defendant Timothy Roach made an under seal and in-camera filing pursuant to Federal Rule of Procedure 17, which governs the issuance of pretrial subpoenas for documents. The government was neither served with a copy of the filing, nor does it know what the subpoenas request. The government believes, however, that defendant Timothy Roach may be impermissibly using the Rule 17 subpoena power to conduct discovery. Such subpoenas are improper because they are being used as a discovery device rather than to secure evidence to admit at trial. Accordingly, the government moves to quash any and all subpoenas requested by Timothy Roach, to the degree that they seek discovery that is not obtainable through Rule 17.

¹ The defense has not filed a discovery motion alleging that the government has failed to comply with its discovery obligations under Rule 16, or failed to comply with its obligations under Brady or Giglio. Nor has defense counsel notified the government of any perceived failure to comply with these obligations. The government believes it has complied with its obligations, and will continue to do so.

1 II. ARGUMENT

2 A. Defendant's Subpoenas Should Be Quashed

3 Federal Rule of Criminal Procedure 17 provides for the
4 issuance of subpoenas to compel the testimony of witnesses at
5 criminal proceedings and the production of evidentiary documents.
6 Fed. R. Crim. P. 17. However, a subpoena duces tecum issued
7 under Rule 17 has a limited purpose: to procure evidence that
8 will be introduced at the attendant proceeding, usually trial.
9 United States v. Nixon, 418 U.S. 683, 698-99 (1974). The
10 material sought must be "evidentiary" as defined in the well-
11 established test put forth in Nixon, 418 U.S. at 699-700:

12 Under this test, in order to require production prior
13 to trial, the moving party must show: (1) that the
14 documents are evidentiary and relevant; (2) that they
15 are not otherwise procurable reasonably in advance of
16 trial by exercise of due diligence; (3) that the
17 party cannot properly prepare for trial without such
18 production and inspection in advance of trial and
19 that the failure to obtain such inspection may tend
20 unreasonably to delay the trial; and (4) that the
21 application is made in good faith and is not intended
22 as a general 'fishing expedition.'

23 Nixon, 418 U.S. at 699-700.

24 It is not enough for a defendant to merely "allege[]" that
25 the information sought is relevant and material," rather a
26 defendant must provide "factual support" for such claims in order
27 to meet this test. See Exhibit 1 at 2 (Order by the Honorable
28 John F. Walter, United States District Court Judge in the Central
District of California, denying an ex parte application for an
order regarding subpoenas, in United States v. Norris CR No. 12-
450-JFW). If a subpoena fails to "specifically target[]"
evidentiary and relevant material," then the subpoena is more
aptly seen as an inappropriate attempt to obtain discovery. Id.

1 A document subpoena under Rule 17(c) "was not intended to
2 provide a means of discovery for criminal cases . . . but to
3 expedite the trial by providing a time and place before trial for
4 inspection of subpoenaed materials." Nixon, 418 U.S. at 698-699.
5 In short, "Rule 17(c) is not a discovery tool but offers
6 compulsory process for securing specific identifiable evidence
7 for trial." Exhibit 1 at 2 (citing to (United States v. Cherry,
8 876 F. Supp. 547, 552 (S.D.N.Y. 1995) ("Courts must be careful
9 that Rule 17(c) is not turned into a broad discovery device,
10 thereby undercutting the strict limitation of discovery in
11 criminal cases found in Fed. R. Crim. P. 16.")). "The Supreme
12 Court in Nixon summarized the moving party's burden as clearing
13 the three hurdles of relevancy, admissibility, and specificity."
14 Id. (citing Nixon, 418 U.S. at 700; and United States v. Noriega,
15 764 F. Supp. 1480, 1493 (S.D. Fla. 1991) ("If the moving party
16 cannot reasonably specify the information contained or believed
17 to be contained in the documents sought but merely hopes that
18 something useful will turn up, this is a sure sign that the
19 subpoena is being misused."))

20 "It is not enough to have some potential for relevance and
21 evidentiary use." Exhibit 1 at 2 (citing to United States v.
22 Burger, 773 F.Supp. 1419, 1425 (D. Kan. 1991)). "There must be a
23 'sufficient likelihood' that the requested information is
24 'relevant to the offenses charged in the indictment,' and a
25 'sufficient preliminary showing that . . . [the requested
26 material] contains evidence admissible with respect to the
27 offenses charged.'" Id. (quoting Nixon, 418 U.S. at 700).
28 "Conclusory allegations of relevance and admissibility are

1 insufficient." Id. (citing Burger, 773 F. Supp. at 1425; and
2 United States v. Eden, 659 F.2d 1376, 1381 (9th Cir. 1981), cert
3 denied, 455 U.S. 949 (1982). "Specificity ensures that the
4 subpoena is not being used as a license for what the Supreme
5 Court in Bowman Dairy Co. v. United States, 341 U.S. 214, 221
6 (1951) decried as a 'fishing expedition to see what may turn
7 up.'" Id. "It also provides the subpoenaed party or other party
8 having standing with enough knowledge about what documents are
9 being requested so as to lodge any objections on relevancy or
10 admissibility." Id. (citing to Black v. Sheraton Corp. Of
11 America, 564 F.2d 531, 545 (D.C. Cir. 1977).

12 In a case in this district involving a defendant's attempt
13 to improperly use Rule 17 as a discovery tool, the Honorable John
14 F. Walter, United States District Court Judge, issued an order
15 denying an ex parte application requesting the issuance of the
16 improper subpoenas. See Exhibit 1. In that case, defendant
17 sought a broad range of documents, including "any and all
18 reviews, reports, and/or notes documenting any failures to
19 properly supervise confidential human sources" by various police
20 officers and federal agents. See Exhibit 2 at 6. That defendant
21 also sought entire packets of information relating to a
22 confidential information, any possible Brady information, and
23 other broad categories of documents. Id. at 6-8. That defendant
24 did not specify what specific documents he was seeking to
25 introduce at trial or another hearing, but rather sought the
26 production of documents that might exist, and that might be
27 useful. Such requests constituted discovery requests, and were
28 not appropriate under Rule 17. As such, that defendant's

1 application to issue subpoenas was denied.²

2 Here, the government does not know what information
3 defendant Timothy Roach's subpoenas seek -- even whether
4 defendant seeks to subpoena documents or compel a witness to
5 attend trial.³ But to the degree defendant's subpoenas constitute
6 discovery requests or Brady/Giglio requests as in Norris, and
7 seek to impermissibly use the Rule 17 power, they should be
8 quashed.⁴

9 Dated: November 7, 2012

Respectfully submitted,

10 ANDRÉ BIROTTE JR.
United States Attorney

11 ROBERT E. DUGDALE
12 Assistant United States Attorney
Chief, Criminal Division

13 /S/
14 BAYRON T. GILCHRIST
Assistant United States Attorney
Environmental Crimes Section

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA
17

18 ² The government also notes that in Norris, the defendant's
19 request to issue subpoenas was not filed in camera. Although
20 defendant might argue an in-camera filing is necessary to prevent
disclosing a defense theory, if the subpoenas simply constitute
discovery requests, an in-camera filing is inappropriate. The
21 government is willing to provide a taint AUSA if this Court wants
to give the government an opportunity to address the specific
22 requests in the in-camera filing, before ruling on whether the
in-camera filing is appropriate and ruling on this motion.

23 ³ The government reached out to defense counsel to
24 ascertain whether the subpoena was for a person, for documents,
or for both. The government made clear that it was not asking
25 about the specific information or specific individual sought to
be subpoenaed. The government has not received a response.

26 ⁴ Similarly, if defendant Timothy Roach is seeking Jencks
27 material, such subpoenas should also be quashed. Rule 17(h)
precludes from production via subpoena a witness's prior
28 statements, which are governed by Rule 26.2 and, at trial, the
Jencks Act, 18 U.S.C. § 3500. Fed. R. Crim. P. 17(h).

Exhibit 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES -- GENERAL

Case No. **CR 12-450-JFW**

Dated: September 20, 2012

=====

PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

Fred W. Slaughter
Asst. U.S. Attorney
Not Present

=====

U.S.A. vs (Dfts listed below)

Attorneys for Defendants

1) Keno Monteze Norris
Not Present

1) Sonja B. Augustine
Not Present

PROCEEDINGS (In Chambers):

**ORDER DENYING EX PARTE APPLICATION FOR
ORDER REGARDING SUBPOENAS**

On September 18, 2012, Defendant Keno Monteze Norris filed an Ex Parte Application for Issuance of Subpoenas ("Ex Parte Application") requesting the issuance of several subpoenas duces tecum. Rule 17(c) provides in pertinent part:

The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

Fed. R. Civ. P. 17(c). Rule 17(c) is commonly used by Defendants to seek discovery from non-parties.

To obtain advance inspection of subpoenaed materials, the burden is on the moving party to show good cause for production prior to trial. Wright, Federal Practice and Procedure: Criminal 2d § 274 at 155. The material sought must be "evidentiary" as defined in the well-established test posited in United States v. Nixon, 418 U.S. 683, 699-700 (1974).

Under this test, in order to require production prior to trial, the moving party must show: (1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general 'fishing expedition.'

Initials of Deputy Clerk sr

34

Id. at 699-700 (citing United States v. Iozia, 12 F.R.D. 335, 338 (S.D.N.Y. 1952)). Although Defendant alleges that the information sought is relevant and material, these conclusory statements without any factual support clearly fail to meet this test. Rather than specifically targeting evidentiary and relevant material, the proposed subpoenas appear to be an attempt to obtain discovery.

A subpoena duces tecum under Rule 17(c) "was not intended to provide a means of discovery for criminal cases . . . but to expedite the trial by providing a time and place before trial for inspection of subpoenaed materials. Id. at 698-699. In other words, Rule 17(c) is not a discovery tool but offers compulsory process for securing specific, identifiable evidence for trial. See United States v. Cherry, 876 F.Supp. 547, 552 (S.D.N.Y. 1995) ("Courts must be careful that Rule 17(c) is not turned into a broad discovery device, thereby undercutting the strict limitation of discovery in criminal cases found in Fed.R.Crim.P. 16."). The Supreme Court in Nixon summarized the moving party's burden as clearing the three hurdles of relevancy, admissibility, and specificity. Id. at 700; see United States v. Noriega, 764 F.Supp. 1480, 1493 (S.D.Fla. 1991) ("If the moving party cannot reasonably specify the information contained or believed to be contained in the documents sought but merely hopes that something useful will turn up, this is a sure sign that the subpoena is being misused").

It is not enough to have some potential for relevance and evidentiary use. United States v. Burger, 773 F.Supp. 1419, 1425 (D. Kan. 1991). There must be a "sufficient likelihood" that the requested information is "relevant to the offenses charged in the indictment," and a "sufficient preliminary showing that . . . [the requested material] contains evidence admissible with respect to the offenses charged." Nixon, 418 U.S. at 700. Conclusory allegations of relevance and admissibility are insufficient. Burger, 773 F.Supp. at 1425; see United States v. Eden, 659 F.2d 1376, 1381 (9th Cir. 1981), cert. denied, denied, 455 U.S. 949 (1982). Specificity ensures that the subpoena is not being used as a license for what the Supreme Court in Bowman Dairy Co v. United States, 341 U.S. 214, 221 (1951) decried as a "fishing expedition to see what may turn up." It also provides the subpoenaed party or other party having standing with enough knowledge about what documents are being requested so as to lodge any objections on relevancy or admissibility. See Black v. Sheraton Corp. of America, 564 F.2d 531, 545 (D.C. Cir. 1977).

Here, the subpoenas request entire categories of documents instead of specific documents. This indicates a fishing expedition. United States v. Reed, 726 F.2d 570, 577 (9th Cir.), cert. denied, denied, 469 U.S. 871 (1984). In addition, since defendant has already entered a plea of guilty, the defendant apparently wants to review these documents "so that a determination may be made as to their value as mitigation for sentencing". However, there is simply no showing by the defendant that any of the requested information is relevant to the sentencing of the defendant.

Accordingly, Ex Parte Application is **denied** without prejudice.

IT IS SO ORDERED.

Exhibit 2

1 SEAN K. KENNEDY (No. 145632)
Federal Public Defender
2 (E-mail: Sean_Kennedy@fd.org)
SONJA AUGUSTINE (No. 155955)
3 Deputy Federal Public Defender
(E-mail: Sonja_Augustine@fd.org)
4 Deputy Federal Public Defender
321 East 2nd Street
5 Los Angeles, California 90012-4202
Telephone (213) 894-5669
6 Facsimile (213) 894-2150

7 Attorneys for Defendant
KENO MONTEZE NORRIS
8
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
13

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 KENO MONTEZE NORRIS,
18 Defendant.
19
20

NO. CR 12-450-JFW

EX PARTE APPLICATION FOR
ISSUANCE OF SUBPOENAS;
MEMORANDUM OF POINTS
AND AUTHORITIES;
DECLARATION OF COUNSEL

21 Defendant Keno Monteze Norris, through his counsel of record, Deputy
22 Federal Public Defender Sonja Augustine, hereby applies to this Honorable Court
23 for an order that the subpoenas attached to the order submitted with this application
24 be issued, and that the costs of process and witness fees be paid in the same manner
25 as are similar costs and fees for subpoenas served on behalf of the government. It is
26 further requested that the documents subpoenaed be ordered returned on or before
27 Tuesday, October 2, 2012, so that a determination may be made as to their value as
28 mitigation for purposes of sentencing.

1 This application is made pursuant to Rule 17 of the Federal Rules of
2 Criminal Procedure and Local Criminal Rule 17-1 et seq. The application is based
3 upon the attached memorandum of points and authorities, declaration, all files and
4 records in this case, and such further information as may be provided to the Court
5 regarding the application.

6
7 Respectfully submitted,

8 SEAN K. KENNEDY
9 Federal Public Defender

10
11 DATED: September 18, 2012

By /s/ Sonja Augustine
12 SONJA AUGUSTINE
13 Deputy Federal Public Defender
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Rule 17(b) of the Federal Rules of Criminal Procedure provides generally that
3 indigent defendants may apply ex parte to the court for subpoenas necessary to an
4 adequate defense. See Fed. R. Crim. Pro. 17(b). The right to apply ex parte was
5 added in a 1966 amendment, for the purpose of assuring that indigent defendants
6 would not have to disclose their defense in exercising their right to compulsory
7 process. See Fed. R. Crim. Pro. 17 advisory committee note (1966 amendment).

8 Rule 17 also provides that the costs of service and witness fees be paid in the
9 same manner as similar costs and fees are paid for witnesses subpoenaed on behalf
10 of the government. See Fed. R. Crim. Pro. 17(b). The proposed order submitted
11 with this application thus provides for such payment of costs and fees. With respect
12 to the request for production of the subpoenaed documents, such early production is
13 authorized by Rule 17(c). Rule 17(c) first provides that a subpoena issued pursuant
14 to Rule 17(b) can command not only the appearance of a witness but also the
15 production of documents or other physical evidence. See Fed. R. Crim. Pro. 17(c).
16 Rule 17(c) then provides that the Court may direct that the documents be produced
17 prior to the time they are to be offered into evidence and that they be subject to
18 inspection by counsel.

19 The defense requests production prior to sentencing so that it may conduct an
20 investigation for the purpose of sentencing mitigation.

21
22 Respectfully submitted,

23 SEAN K. KENNEDY
24 Federal Public Defender

25 DATED: September 18, 2012

26 By /s/ Sonja Augustine
27 SONJA AUGUSTINE
28 Deputy Federal Public Defender

DECLARATION OF SONJA AUGUSTINE

I, Sonja Augustine, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California. I am assigned to represent Keno Montezc Norris in the above- entitled action.

2. Mr. Norris was arrested on June 1, 2012, pursuant to an indictment charging him with two counts of possession with intent to distribute cocaine base in violation of 21 U.S.C. § 841 (a)(1), (b)(1)(C) and (b)(1)(B)(iii). Mr. Norris made his initial appearance on June 1, 2012.

3. On July 13, 2012, Mr. Norris entered a guilty plea to Count Two of the indictment pursuant to a plea agreement filed on July 9, 2012. Sentencing is currently scheduled for September 24, 2012.

4. On August 6, 2012, the prosecution disclosed additional discovery that calls into question the integrity of the investigating task force officers and the confidential human source ("CHS") utilized in this case. A state case - People v. Anthony McClain - was dismissed in July 2012 because the CHS from this case misidentified a suspect in the state case.

5. In December of 2011, the CHS, in the presence of the task force officers, misidentified a suspect as being Anthony McClain, a target of the task force investigation. Officers who were present at the scene claimed in official reports to have observed the suspect during the controlled buy and were also present for the photo misidentification. Anthony McClain was actually in state custody on the day

1 the CHS misidentified him. Nonetheless, the information regarding the CHS's lack
2 of reliability was not revealed by state prosecutors until at least six months or so
3 after the misidentification. The information was not revealed to defense counsel in
4 this case until more than seven months after the misidentification.

5
6 6. Furthermore, the reporting officer in the McClain investigation claimed
7 in his official report to have witnessed, from a distance of at least half a city block, a
8 hand-to-hand transaction between the suspect and the CHS. This transaction
9 allegedly took place while the suspect was leaning inside the window of the CHS's
10 vehicle. This claim seems spurious at best and, along with the CHS's intentional
11 misidentification, calls into question the credibility of the CHS and task force
12 officers.

13
14 7. There is significant overlap among the task force officers and CHS
15 resources used in this and several other cases brought against residents of Pasadena
16 in the past several months, including the dismissed state case of *People v. Anthony*
17 *McClain* and the matter pending before this Court. The defense has reason to
18 believe that the information requested in the subpoenas attached to the proposed
19 order will reveal exculpatory or mitigating evidence in this matter. The information
20 requested is *Brady* material. *See Brady v. Maryland*, 373 U.S. 83 (1963).

21
22 8. Mr. Norris has worked at Vons supermarket in Pasadena for many
23 years. In or about September 2010, Mr. Norris's automobile was burned in the Vons
24 parking lot while he was at work. Mr. Norris contacted police officers regarding the
25 burned vehicle and felt that he was mistreated as the victim of a crime. Therefore,
26 Mr. Norris filed a complaint against officers of the Pasadena Police Department
27 relating to this incident.

28

1 9. When Mr. Norris's insurance company reimbursed him for the lost
2 vehicle in April of 2011, Mr. Norris purchased a 2003 Chevy Tahoe truck. When
3 Mr. Norris was arrested on June 1, 2012, the Chevy Tahoe truck was seized without
4 explanation by DEA task force officers and has not been returned. Therefore, the
5 defense requests copies of complaints filed by Mr. Norris against officers of the
6 Pasadena Police Department which is likely to reveal exculpatory or mitigating
7 evidence in this matter.

8
9 10. For investigation purposes, the defense requests that the Court order, as
10 soon as possible, the issuance of the subpoenas attached to the proposed order. The
11 subpoenas attached to the proposed order are for:

- 12
13 • (1) Any and all reviews, reports, and/or notes documenting any
14 failures to properly supervise confidential human sources
15 involving Pasadena Police Officers/FBI Task Force Officers Jeff
16 Disney, Jason Cordova, Jason Clawson, David Duran, Brett
17 Binder, Joel Nebel, Joaquin Gurrola, and/or Carlo Montiglio.

18
19 Copies of entire CI/CHS/CRI packets, including, but not limited
20 to, operational plans and targets, for CHS-2 (Source ID
21 S-00033153), CHS Larry Fuller, CHS Tara Faye Bullock, and
22 possible CHS Francisco Reyes, as well as for CHS-1, CHS-2, and
23 the CRI who were utilized by the FBI and Task Force Officers
24 from December 20, 2010 and December 28, 2010, to target
25 Derick Paige, aka "D-Lay."

26
27 A copy of the entire the CI/CHS/CRI packet, including, but not
28 limited to operational plans and targets, for the CHS associated

1 with the investigation and arrest of Anthony McClain, the case
2 against whom was dismissed in July of 2012 for misconduct by
3 the CHS in the form of misidentification of a person as being
4 Anthony McClain.

- 5
- 6 • (2) A copy of the entire controlled buy packet for Keno Monteze
7 Norris, including, but not limited to, operational plans, notes, and
8 all targets.
 - 9
 - 10 • (3) Clear and coherent copies of any and all officer radio
11 communications, from all relevant channels and in their entirety,
12 among Pasadena Police Officers/FBI Task Force Officers Jeff
13 Disney, Jason Cordova, Jason Clawson, David Duran, Brett
14 Binder, Joel Nebel, Joaquin Gurrola, and/or Carlo Montiglio that
15 occurred on October 14, 2011, and on October 22, 2011, relating
16 to Keno Norris, Augustus Richards, and/or CHS-2 (Source ID
17 S-00033153).

18

19 Clear and coherent copies, in their entirety, of any and all digital
20 recordings associated with Substantive Case File Numbers
21 281D-LA-256160, 245D-LA-256160, and/or Keno Norris,
22 including, but not limited to, those assigned FBI evidence
23 numbers 1D30, 1D31, and 1D32.

24

25 Copies of all law enforcement funds used in the controlled buys
26 on October 14, 2011, and October 22, 2011, associated with
27 Keno Norris and/or CHS-2 (Source ID S-00033153).
28

/s/ Sonja Augustine
SONJA AUGUSTINE
Deputy Federal Public Defender

1 SEAN K. KENNEDY (No. 145632)
(Sean_Kennedy@fd.org)
2 Federal Public Defender
3 SONJA AUGUSTINE (No. 155955)
(Sonja_Augustine@fd.org)
4 Deputy Federal Public Defender
321 East 2nd Street
5 Los Angeles, California 90012-4202
Telephone: (213) 894-5669
6 Facsimile: (213) 894-0081

7 Attorneys for Defendant
8 KENO MONTEZE NORRIS

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 UNITED STATES OF AMERICA,	}	NO. CR 12-450-JFW
14 Plaintiff,		[PROPOSED] ORDER
15 v.		
16 KENO MONTEZE NORRIS,		
17 Defendant.		

18
19 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that
20 the subpoenas attached to this order shall issue.
21

22 IT IS FURTHER ORDERED that said subpoenas shall be returned to defense
23 counsel no later than October 2, 2012, so that defense counsel shall be permitted to
24 inspect the records.

25 //

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28

1 IT IS FURTHER ORDERED that the costs of process and witness fees will be
2 paid in the same manner as those paid for witnesses subpoenaed on behalf of the
3 government.
4

5
6 DATED: September , 2012 By THE HONORABLE JOHN F. WALTER
7 United States District Judge
8

9 Presented by:

10 SONJA AUGUSTINE
11 Deputy Federal Public Defender
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Sonja Augustine
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone (213) 894-5669; Facsimile (213) 894-2150

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Unite States of America

PLAINTIFF

CASE NUMBER

CR 12-450-JFW

v.

Keno Monteze Norris

DEFENDANT(S).

SUBPOENA IN A CRIMINAL CASE

TO: Custodian of Records, FBI - Los Angeles/West Covina Field Office and Pasadena Police Dpt.

☒ **YOU ARE HEREBY COMMANDED** to appear in the United States District Court at the place, date and time specified below to testify in the above case.

Place: The Hon. John Walter, 312 N. Spring St., Los Angeles, California 90012, Courtroom: 16

Date: October 2, 2012, Time: 9:00 a.m.

☒ **YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

Any and all reviews, reports, and/or notes documenting any failures to properly supervise confidential human sources involving Pasadena Police Officers/FBI Task Force Officers Jeff Disney, Jason Cordova, Jason Clawson, David Duran, Brett Binder, Joel Nebel, Joaquin Gurrola, and/or Carlo Montiglio.

Copies of entire CI/CHS/CRI packets, including, but not limited to, operational plans and targets, for CHS-2 (Source ID S-00033153), CHS Larry Fuller, CHS Tara Faye Bullock, and possible CHS Francisco Reyes, as well as for CHS-1, CHS-2, and the CRI who were utilized by the FBI and Task Force Officers from December 20, 2010 and December 28, 2010, to target Derick Paige, aka "D-Lay."

Copy of entire the CI/CHS/CRI packet, including, but not limited to operational plans and targets, for the CHS associated with the investigation and arrest of Anthony McClain, the case against whom was dismissed in July of 2012 for misconduct by the CHS in the form of misidentification of a person as being Anthony McClain.



Allen Abersman
Allen Abersman, Acting Clerk of Court

September 18, 2012

Date

ADDITIONAL INFORMATION

Sonja Augustine
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone (213) 894-5669; Facsimile (213) 894-2150

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Unite States of America

PLAINTIFF

CASE NUMBER

CR 12-450-JFW

v.

Keno Monteze Norris

DEFENDANT(S).

SUBPOENA IN A CRIMINAL CASE

TO: Custodian of Records, FBI - Los Angeles/West Covina Field Office and Pasadena Police Dpt.

☒ **YOU ARE HEREBY COMMANDED** to appear in the United States District Court at the place, date and time specified below to testify in the above case.

Place: The Hon. John Walter, 312 N. Spring St., Los Angeles, California 90012, Courtroom: 16

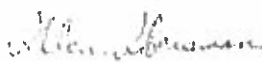
Date: October 2, 2012, Time: 9:00 a.m.

☒ **YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

Any and all reviews, reports, and/or notes documenting any failures to properly supervise confidential human sources involving Pasadena Police Officers/FBI Task Force Officers Jeff Disney, Jason Cordova, Jason Clawson, David Duran, Brett Binder, Joel Nebel, Joaquin Gurrola, and/or Carlo Montiglio.

Copies of entire CI/CHS/CRI packets, including, but not limited to, operational plans and targets, for CHS-2 (Source ID S-00033153), CHS Larry Fuller, CHS Tara Faye Bullock, and possible CHS Francisco Reyes, as well as for CHS-1, CHS-2, and the CRI who were utilized by the FBI and Task Force Officers from December 20, 2010 and December 28, 2010, to target Derick Paige, aka "D-Lay."

Copy of entire the CI/CHS/CRI packet, including, but not limited to operational plans and targets, for the CHS associated with the investigation and arrest of Anthony McClain, the case against whom was dismissed in July of 2012 for misconduct by the CHS in the form of misidentification of a person as being Anthony McClain.


Allen Abersman, Acting Clerk of Court



September 18, 2012

Date

Page 2 of 2

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Sonja Augustine
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone (213) 894-5669; Facsimile (213) 894-2150

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Unite States of America

PLAINTIFF

CASE NUMBER

CR 12-450-JFW

v.

Keno Monteze Norris

DEFENDANT(S).

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Allen Abersman
Allen Abersman, Acting Clerk of Court

September 18, 2012

Date

PROOF OF SERVICE		
Received by Server	DATE	PLACE
Served	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> Yes <input type="checkbox"/> No Amount \$ _____
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> <i>Date</i> <i>Signature of Server</i> </div> </p> <p>Address of Server: _____</p>		
ADDITIONAL INFORMATION		

Sonja Augustine
 Deputy Federal Public Defender
 321 East 2nd Street
 Los Angeles, California 90012-4202
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

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Allen Abersman
 Allen Abersman, Acting Clerk of Court

September 18, 2012

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PROOF OF SERVICE		
Received by Server	DATE	PLACE
Served	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> Yes <input type="checkbox"/> No Amount \$ _____
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____ <div style="display: flex; justify-content: space-between;"><div><i>Date</i></div><div><i>Signature of Server</i></div></div>		
Address of Server: _____ _____		
ADDITIONAL INFORMATION		

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